

2 **ESSB 5001** - H COMM AMD  
3 By Committee on Natural Resources

ADOPTED AS AMENDED 3/3/00

4  
5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 77.16.360 and 1997 c 1 s 1 are each amended to read  
8 as follows:

9 (1) Notwithstanding the provisions of RCW 77.12.240 (~~and~~  
10 ~~77.12.265~~), 77.36.020, 77.36.030, or any other provisions of law, it  
11 is unlawful to take, hunt, or attract black bear with the aid of bait.

12 (a) Nothing in this subsection shall be construed to prohibit the  
13 killing of black bear with the aid of bait by employees or agents of  
14 county, state, or federal agencies while acting in their official  
15 capacities for the purpose of protecting livestock, domestic animals,  
16 private property, or the public safety.

17 (b) Nothing in this subsection shall be construed to prevent the  
18 establishment and operation of feeding stations for black bear in order  
19 to prevent damage to commercial timberland.

20 (c) Nothing in this subsection shall be construed to prohibit the  
21 director from issuing a permit or memorandum of understanding to a  
22 public agency, university, or scientific or educational institution for  
23 the use of bait to attract black bear for scientific purposes.

24 (d) As used in this subsection, "bait" means a substance placed,  
25 exposed, deposited, distributed, scattered, or otherwise used for the  
26 purpose of attracting black bears to an area where one or more persons  
27 hunt or intend to hunt them.

28 (2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any  
29 other provisions of law, it is unlawful to hunt or pursue black bear,  
30 cougar, bobcat, or lynx with the aid of a dog or dogs.

31 (a) Nothing in this subsection shall be construed to prohibit the  
32 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
33 dogs by employees or agents of county, state, or federal agencies while  
34 acting in their official capacities for the purpose of protecting  
35 livestock, domestic animals, private property, or the public safety.  
36 A dog or dogs may be used by the owner or tenant of real property

1 consistent with a permit issued and conditioned by the director ((under  
2 RCW 77.12.265)).

3 (b) Nothing in this subsection shall be construed to prohibit the  
4 director from issuing a permit or memorandum of understanding to a  
5 public agency, university, or scientific or educational institution for  
6 the use of a dog or dogs for the pursuit, capture and relocation, of  
7 black bear, cougar, bobcat, or lynx for scientific purposes.

8 (c) Nothing in this subsection shall be construed to prohibit the  
9 director from issuing a permit or memorandum of understanding to a  
10 public agency, university, or scientific or educational institution for  
11 the use of a dog or dogs for the killing of black bear, cougar, or  
12 bobcat, for the protection of a state and/or federally listed  
13 threatened or endangered species.

14 (3) Notwithstanding subsection (2) of this section, the commission  
15 shall authorize the use of dogs only in selected areas within a game  
16 management unit to address a public safety need presented by one or  
17 more cougar. This authority may only be exercised after the commission  
18 has determined that no other practical alternative to the use of dogs  
19 exists, and after the commission has adopted rules describing the  
20 conditions in which dogs may be used. Conditions that may warrant the  
21 use of dogs within a game management unit include, but are not limited  
22 to, confirmed cougar/human safety incidents, confirmed cougar/livestock  
23 and cougar/pet depredations, and the number of cougar capture attempts  
24 and relocations.

25 (4) A person who violates subsection (1) or (2) of this section is  
26 guilty of a gross misdemeanor. In addition to appropriate criminal  
27 penalties, the director shall revoke the hunting license of a person  
28 who violates subsection (1) or (2) of this section and a hunting  
29 license shall not be issued for a period of five years following the  
30 revocation. Following a subsequent violation of subsection (1) or (2)  
31 of this section by the same person, a hunting license shall not be  
32 issued to the person at any time.

33 NEW SECTION. Sec. 2. This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of the  
35 state government and its existing public institutions, and takes effect  
36 immediately."

1 Correct the title.

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